

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LORI MOECK, in her capacity  
as parent and natural guardian  
of C.M. and A.M.; C.M., a minor;  
and A.M., a minor,  
Plaintiffs

No. 3:13cv1305  
(Judge Munley)

v.

PLEASANT VALLEY SCHOOL  
DISTRICT; DOUGLAS C.  
ARNOLD, Superintendent of  
Schools, Pleasant Valley School  
District; ANTHONY A. FADULE,  
Assistant Superintendent of  
Schools, Pleasant Valley School  
District; JOHN J. GRESS, Principal,  
Pleasant Valley School District;  
MARK GETZ, Wrestling Coach  
Pleasant Valley School District,  
Defendants

ORDER

**AND NOW**, to wit, this 15<sup>th</sup> of April 2016, it is hereby ordered as follows:

Defendant Mark Getz' motion for partial summary judgment (Doc. 123) is hereby **GRANTED**. Summary judgment is **GRANTED**, and the Clerk of Court is directed to enter judgment in favor of Defendant Getz and against Plaintiff C.M., on the following counts:

Count I-excessive force/substantive due process;

Count II-state-created danger theory;

Count IV-intentional infliction of emotional distress.

We decline to exercise jurisdiction over the sole remaining count involving Defendant Getz, Count III, assault and battery. Count III is **DISMISSED** without prejudice.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
United States District Court